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FLIESLER DUBB MEYER & LOVEJOY, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			EXAMINER HASHEM, LISA	
			ART UNIT 2645	PAPER NUMBER

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,982

Applicant(s)

NELSON ET AL.

Examiner

Lisa Hashem

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-41 are pending in this office action.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 18, 2001 have been accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8-10, 15, and 17-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent Application Publication No. US 2002/0181671 by Logan.

Regarding claim 1, Logan discloses a method for communicating over multiple channels, comprising the steps of: (a) communicating over a first channel (page 2, column 2, section 0025, lines 1-5); (b) selecting a second channel (Figure 3, 336: 'ALSO SEND TO'; page 4, column 2, section 0040, lines 5-9); selecting a phrase (Figure 3, 316; 'WAIT THERE'); (c) generating an audible utterance representative of the selected phrase (page 2, column 2, section 0027, lines 4-7); and (d) providing the audible utterance over the selected second channel (page 4, column 2, section 0040, lines 5-9).

Regarding claim 2, the method of claim 1 mentioned above, wherein Logan further discloses the step of selecting a second channel further includes selecting a plurality of channels, and wherein the step of providing the audible utterance over the selected second channel further

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includes providing the audible utterance over the plurality of selected channels (Figure 3, 336: 'ALSO SEND TO'; page 4, column 2, section 0040, lines 5-9).

Regarding claim 3, the method of claim 1 mentioned above, wherein Logan further discloses the step of generating an audible utterance includes the step of obtaining an internal representation of a phrase element associated with the selected phrase (Figure 3, 316 'WAIT THERE') and generating an audible utterance based on the internal phrase element (page 2, column 2, section 0024, lines 1-7).

Regarding claim 8, the method of claim 1 mentioned above, wherein Logan further discloses the step generating an audible utterance includes text-to-speech processing (page 4, column 2, section 0042, lines 6-10).

Regarding claim 9, Logan discloses a multi-channel telecommunication system, comprising: (a) an audio input (Figure 1, 121); (b) a channel representation (Figure 3, 330: (508)-555-1212); (c) a phrase representation (Figure 3, 316: 'WAIT THERE'); (d) a memory or data memory (Figure 1, 131) for storing the channel representation, phrase representation and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of an audible utterance (Figure 3, 322: 'Play'); (e) a processor or microprocessor (Figure 1, 101), coupled to the audio input, display and memory, wherein the processor inherently provides a first control signal and a second control signal (page 2, column 1, section 0020, lines 7-8); (f) an audio generator inherently coupled to the processor and memory, wherein the audio generator generates an audible utterance responsive to the first control signal and the conversation element (page 2, column 1, section 0015, lines 3-5; page 3, column 2, section 0033, lines 9-11); and, (g) a channel selector, inherently coupled to the processor and

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audio generator, wherein the channel selector inherently selects a channel responsive to the second control signal and provides the audible utterance over the selected channel (Figure 3, 330: 'SEND TO (508)-555-1212'; page 3, column 2, section 0035, lines 1-3).

Regarding claim 10, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses said multi-channel telecommunication system is a telephone (as shown in Figure 2).

Regarding claim 15, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses the internal representation is in a format selected from the group consisting of a sound file, a record or playback, a text, and a Musical Instrument Digital Interface ("MIDI") sequence (page 1, column 0015, section '0015, line 1- page 2, column 0015, section 0015, line 2).

Regarding claim 17, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses the first control signal is generated in response to a user selecting the phrase representation (Figure 3, 320: 'WAIT THERE') and the second control signal is generated in response to a user selecting the channel representation (Figure 3, 330: 'SEND TO (508)-555-1212').

Regarding claim 18, the multi-channel telecommunication system of claim 9, wherein Logan further discloses the phrase representation and channel representation are selected from the group consisting of a button or switch (Figure 2, 103: the keypad; page 2, column 1, section 0020, lines 8-10), a barcode (inherently if a bar code scanner is in system), a label (Figure 3, 320: 'WAIT THERE'; Figure 3, 330: '(508)-555-1212'), a glyph (Figure 2, the softkeys; page 2,

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column 2, section 0023, lines 6-8), and Braille (inherently if the user has visual problems) (page 1, column 1, section 0003, lines 8-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claims 4-5, the method of claim 1 mentioned above, wherein Logan further discloses the phrase representation and the channel representation are displayed in a LCD display (as shown in Figure 2, 107 and Figure 3, 330: (508)-555-1212).

Logan fails to disclose the step of selecting a second channel includes selecting a graphical representation of said second channel using a graphical user interface the step of selecting a phrase includes selecting a graphical representation of said phrase using a graphical user interface.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the phrase representation (Figure 6, 310; page 11, column 2, section 0188, lines 18-19; page 12, column 1, section 0190, lines 22-23) and channel

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representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) are displayed in a GUI (as shown in Figure 6) of a mobile phone (page 11, column 2, section 0188, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan to include a GUI as taught by Freland to allow the user to interact with a mobile phone to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a GUI allows the user to interactively select choices by clicking on checkboxes to select a channel or phrase.

Regarding claim 6, the method of claim 5 mentioned above, wherein Logan further discloses the graphical representation of said phrase is selected from a group consisting of an icon (Figure 2, the OK key; page 2, column 2, section 0023, line 6-8), a symbol (Figure 2, 'WAIT THERE'), a figure (Figure 2, the checkmark which is the OK key), a graphics button (Figure 2, the softkeys; page 2, column 2, section 0023, line 6-8), and a pull-down menu button (Figure 3, 310; page 2, column 2, section 0026, lines 3-5).

Logan fails to disclose the graphical representation of said phrase is selected from a group consisting of a graph, a checkbox, and a GUI widget.

Freland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freland further discloses the graphical representation of said phrase is selected from a group consisting of a graph (Figure 6: 310, 312, 314, wherein Fields 4-6 correspond to a relationship of the audible utterance, a checkbox (Figure 6, 310), and a GUI widget (as shown in

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Figure 6, selecting the checkboxes require code to perform the function of sending an audible utterance to a selected recipient).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan to include the graphical representation of said phrase is selected from a group consisting of a graph, a checkbox, and a GUI widget as taught by Freeland to select a phrase element. One of ordinary skill in the art would have been lead to make such a modification since a graph, checkbox, and GUI widget can be viewed in a GUI and guide the user in selecting a particular phrase element.

Regarding claim 7, the method of claim 1 mentioned above, wherein Logan further discloses said internal representation of said selected phrase is obtained from the data memory (page 2, column 1, section 0016, lines 1-4; page 2, column 1, section 0022, lines 1-7; page 3, column 1, section 0028, lines 1-4).

Logan fails to disclose the internal representation is obtained from a host computer.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the internal representation in a format, such as text, is obtained from a host computer or server (page 12, column 1, section 0190, lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan to include the internal representation is obtained from a host computer as taught by Freeland to allow the internal representation to be stored on an external system. One of ordinary skill in the art would have been lead to make such a

modification since a server can store the internal representation external to the telephone. In case the telephone malfunctions, the internal representations will be saved on the server for future use.

7. Claims 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claim 11, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan fails to disclose the multi-channel telecommunication system further comprises: (h) an audio mixer, coupled to the processor and channel selector, mixing audio received from said channel selector.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses an audio mixer, mixing audio for the audible utterance (page 10, column 2, section 0179, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include an audio mixer as taught by Freeland to provide different effects to an utterance. One of ordinary skill in the art would have been lead to make such a modification since an audio mixer would mix audio received from the system to produce the audible utterance.

Regarding claim 12, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses the phrase representation and the channel representation are displayed in a LCD display (as shown in Figure 2, 107 and Figure 3, 330: (508)-555-1212).

Logan fails to disclose the phrase representation and channel representation are displayed in a graphic user interface (GUI).

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the phrase representation (Figure 6, 310; page 11, column 2, section 0188, lines 18-19; page 12, column 1, section 0190, lines 22-23) and channel representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) are displayed in a GUI (as shown in Figure 6) of a mobile phone (page 11, column 2, section 0188, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include a GUI as taught by Freeland to allow the user to interact with a mobile phone to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a GUI allows the user to interactively select choices by clicking on checkboxes to select a channel or phrase.

Regarding claim 13, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan fails to disclose the multi-channel telecommunication system further comprises: (h) an audio monitor, coupled to the processor of channel selector, monitoring an audio level received from said channel selector.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses a text to speech markup function that can adjust the

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volume of text. The text will be converted to speech for an audible utterance (page 10, column 1, section 0174, lines 1-6; page 10, column 1, section 0175, lines 6-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include a text to speech markup function as taught by Freeland to provide determine the audio level of the text. One of ordinary skill in the art would have been lead to make such a modification since the function would adjust the volume of the audible utterance received from the system.

Regarding claim 14, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses the channel representation is entered in as a phone number (page 4, column 1, section 0037, lines 2-3).

Logan fails to disclose the channel representation is selected from the group consisting of a text and a label.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the channel representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) is selected from the group consisting of a text and a label (as shown in Figure 6, 306: 'Susan', 'David', 'Jan').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include the channel representation is selected from the group consisting of a text and a label as taught by Freeland to allow the user to select a channel among options displayed on the phone. One of ordinary skill in the art would have been

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lead to make such a modification since a text and label provide a distinction of each channel available for a user to select in order to send an audible utterance.

Regarding claim 16, the multi-channel telecommunication system of claim 9 mentioned above, wherein Logan further discloses the internal representation is obtained from the data memory (page 2, column 1, section 0016, lines 1-4; page 2, column 1, section 0022, lines 1-7; page 3, column 1, section 0028, lines 1-4).

Logan fails to disclose the internal representation is obtained from a host computer.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the internal representation in a format, such as text, is obtained from a host computer or server (page 12, column 1, section 0190, lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include the internal representation is obtained from a host computer as taught by Freeland to allow the internal representation to be stored on an external system. One of ordinary skill in the art would have been lead to make such a modification since a server can store the internal representation external to the telephone. In case the telephone malfunctions, the internal representations will be saved on the server for future use.

8. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent No. 6,266,685 by Danielson et al, hereinafter Danielson.

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Regarding claims 19-22, Logan discloses a system (as shown in Figure 1), comprising: (a) a plurality of input channels (page 5, column 1, section 0044, lines 1-10); (b) a processing device (page 2, column 2, section 0022, lines 1-4; page 2, column 2, section 0026, lines 1-5) for storing an internal representation of a phrase element (page 2, column 2, section 0022, lines 1-4; page 2, column 2, section 0026, lines 1-5); and, (c) reading a first code associated with the phrase element (Figure 3, 320: 'WAIT THERE') and reading a second code associated with an input channel (Figure 3, 330, '(508)-555-1212'), wherein the processing device inherently provides an audible utterance over the channel associated with said second code in response to reading the first code and the second code (page 3, column 2, section 0033, lines 9-11). Wherein the processing device inherently includes a channel selection device, for selecting at least one of the plurality of input channels responsive to said second code (page 5, column 1, section 0044, lines 1-3).

Logan fails to disclose reading a second code associated with an input channel and a scanning device coupled with the processing device for reading a code, wherein the scanning device is a barcode scanner or a laser scanner.

Danielson discloses a hand-held data input system or data terminal having an input stylus and a data-receiving pad (see Abstract). At least one of the base pods includes a scanner for reading indicia, which may be disposed on a surface external and separate from the data terminal. The scanner may be a bar code scanner (column 4, lines 43-49). A laser scanner may be disposed in an accessory pod as shown in Figure 3, 29 (column 7, lines 49-54; column 25, lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Logan to include a scanning device as taught by Danielson to scan a code associated with a phrase element. One of ordinary skill in the art would have been lead to make such a modification since a scanning device could be used to scan the phrase element and channel, wherein a user may send an audible utterance.

9. Claims 23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claim 23, Logan discloses a general purpose computing device, comprising: (a) a display, displaying a channel representation (Figure 3, 330: (508)-555-1212) and a phrase representation (as shown in Figure 2, 107); (b) a memory, storing the channel representation, phrase representation, and a phrase element associated with the phrase representation, wherein the phrase element has an internal representation of an audible utterance (Figure 3, 322: 'Play'); (c) a processor or microprocessor (Figure 1, 101), coupled to the display and memory, wherein the processor generates a first control signal responsive to selection of the phrase representation and a second control signal response to selection of the channel representation (page 4, column 1, section 0037, lines 1-3); (d) an audio generator, coupled to the processor and memory, wherein the audio generator generates an audible utterance responsive to the first control signal and the phrase element (page 2, column 1, section 0015, lines 3-5; page 3, column 2, section 0033, lines 9-11); and (e) a channel selector, coupled to the processor and audio generator, wherein the channel selector activates a channel responsive to the second control signal and

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provides the audible utterance over the selected channel (Figure 3, 330: 'SEND TO (508)-555-1212'; page 3, column 2, section 0035, lines 1-3).

Logan fails to disclose a first control signal responsive to selection of the channel representation and a second control signal response to selection of the phrase representation.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses a first control signal responsive to selection of the channel representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) and a second control signal response to selection of the phrase representation (Figure 6, 310; page 11, column 2, section 0188, lines 18-19; page 12, column 1, section 0190, lines 22-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Logan to include a first control signal responsive to selection of the channel representation and a second control signal response to selection of the phrase representation as taught by Freeland to first choose the channel the utterance is being sent to and second choose the phrase. One of ordinary skill in the art would have been lead to make such a modification since selecting a recipient is responsive to the first control signal and selecting the phrase to generate an audible utterance is responsive to the second control signal.

Regarding claim 25, the general purpose computing device of claim 23 mentioned above, wherein Logan further discloses the phrase representation and channel representation are displayed in a LCD display (as shown in Figure 2, 107 and Figure 3, 330: (508)-555-1212).

Logan fails to disclose the phrase representation and channel representation are displayed in a graphic user interface (GUI).

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the phrase representation (Figure 6, 310; page 11, column 2, section 0188, lines 18-19; page 12, column 1, section 0190, lines 22-23) and channel representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) are displayed in a GUI (as shown in Figure 6) of a mobile phone (page 11, column 2, section 0188, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Logan to include a GUI as taught by Freeland to allow the user to interact with a mobile phone to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a GUI allows the user to interactively select choices by clicking on checkboxes to select a channel or phrase.

Regarding claim 26, the general purpose computing device of claim 23 mentioned above, wherein Logan further discloses the general purpose-computing device is a cellular telephone.

Logan fails to disclose said device is a personal digital assistant.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the above concepts are applicable to a PDA that is WAP (Wireless Application Protocol) (page 12, column 2, section 0194, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Logan to include a PDA as taught by Freeland to allow the user to interact over the Internet. One of ordinary skill in the art would have been lead to make such a modification since a PDA that is WAP enabled can have an audible utterance sent to a particular recipient.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland, as applied to claim 23 above, and in further view of US Patent Application Publication No. US 2002/0055844 by L'Esperance et al, hereinafter L'Esperance.

Regarding claim 24, the general purpose computing device of claim 23 mentioned above, wherein Logan further discloses the display is a LCD display (as shown in Figure 2, 107).

Logan in view of Freeland fails to disclose the display is a touch screen display.

L'Esperance discloses a handheld electronic device, such as a PDA, that has multiple application processes. A speech recognition process takes input speech from a user and produces a recognition output representative of the input speech. A text-to-speech process takes output text and produces a representative speech output. A speech manager interface allows the speech recognition process and the text-to-speech process to be accessed by other application processes (see Abstract). L'Esperance further discloses the PDA display is a touch screen (page 4, column 2, section 0055, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Logan in view of Freeland to include a touch screen as taught

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by L'Esperance to have the visual display controlled by a stylus. One of ordinary skill in the art would have been lead to make such a modification since the user will not have to exhaust using his fingers to type on a keyboard or press buttons but instead use a stylus to selection options on a touch screen.

11. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. US 6,628,767 by Wellner et al, hereinafter Wellner, in view of US Patent Application Publication No. US 2002/0181671 by Logan.

Regarding claim 27, Wellner discloses a telecommunication infrastructure (as shown in Figure 1), comprising: (a) a first electronic device or telephone (Figure 1, 65; user may also have a PC, video monitor, and software for customer equipment; column 4, lines 56-64), coupled to the telecommunication infrastructure over a first channel (Figure 1, 67); (b) a second electronic device (Figure 1, 29; this includes a telephone, PC, video monitor, and software for customer equipment), coupled to the telecommunication infrastructure over a second channel (Figure 1, 61); (c) a third electronic device inherently coupled to the telecommunication infrastructure (see Abstract; conference system includes a plurality of participants), selecting the first channel or the second channel and selecting a phrase representation (as shown in Figure 8); a processing device, coupled to the telecommunication infrastructure (Figure 1, 37); and a software program (Figure 1, 31) for providing a text message over the selected first or second channel in response to a selected phrase representation (column 3, lines 15-18).

Wellner fails to disclose a processing device, coupled to the telecommunication infrastructure storing: 1) a phrase element associated with the phrase representation; and, 2) a

software program for providing an audible utterance over the selected first or second channel in response to a selected phrase representation.

Logan discloses a method for communicating over multiple channels, comprising the steps of: (a) communicating over a first channel (page 2, column 2, section 0025, lines 1-5); (b) selecting a second channel (Figure 3, 336: 'ALSO SEND TO'; page 4, column 2, section 0040, lines 5-9); selecting a phrase (Figure 3, 316: 'WAIT THERE'); (c) generating an audible utterance representative of the selected phrase (page 2, column 2, section 0027, lines 4-7); and (d) providing the audible utterance over the selected second channel (page 4, column 2, section 0040, lines 5-9). Logan further discloses a processing device or microprocessor, coupled to the telecommunication infrastructure storing: 1) a phrase element associated with the phrase representation (page 2, column 2, section 0022, lines 1-4); and, 2) a software program for inherently providing an audible utterance over the selected first or second channel in response to a selected phrase representation (page 2, column 1, section 0015, lines 3-5; page 3, column 2, section 0033, lines 9-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the infrastructure of Wellner to include a microprocessor as taught by Logan to store a phrase element and software program for generating an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since the microprocessor is coupled to the mobile phone and stores pertinent data, such as the phrase element and audio used in sending an audible utterance to a recipient.

Regarding claims 28 and 30, the telecommunication infrastructure of claim 27 mentioned above, wherein Wellner fails to disclose the third electronic device generates an in-band signal in

response to a phrase representation selection and a channel representation selection, wherein the signal is inherently a Dual-Tone Multi Frequency ("DTMF") signal.

Logan discloses a mobile phone generates an in-band signal in response to a phrase representation selection and a channel representation selection, wherein the signal is inherently a Dual-Tone Multi Frequency ("DTMF") signal (page 2, column 1, section 0020, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the infrastructure of Wellner to include an in-band signal as taught by Logan to use in response to a phrase representation selection and a channel representation selection. One of ordinary skill in the art would have been lead to make such a modification since in-band signal is used to provide a signal in the mobile phone or electronic device.

Regarding claim 29, the telecommunication infrastructure of claim 27 mentioned above, wherein Wellner further discloses the third electronic device generates an out-of-band signal, sending text message on a respective data connection to another recipient, in response to a phrase representation selection and a channel representation selection (column 3, lines 15-18).

Regarding claim 31, the telecommunications infrastructure of claim 27 mentioned above, wherein Wellner further discloses the phrase representation is selected from the group consisting of an icon (Figure 8, 'Send Message'), a symbol (Figure 8, 'Send Message'), a figure (Figure 8, 'Send Message' icon to press), a graph (Figure 8: the message in the Message field and the 'Send Message' symbol or icon correspond to a relationship of the phrase), a checkbox (Figure 8, used to select recipient and as shown the recipient's name is included in text), a GUI widget (as shown in Figure 8, selecting the phrase require code to perform the function of sending a message to a selected recipient), and a graphics button (Figure 8, 'Send Message').

Regarding claim 32, the telecommunications infrastructure of claim 27 mentioned above, wherein Wellner further discloses the phrase representation is selected from the group consisting of a text and a label (as shown in Figure 8).

Regarding claim 33, the telecommunication infrastructure of claim 27 mentioned above, wherein Wellner further discloses the processing device is a computer coupled to the Internet (as shown in Figure 1, 37).

Regarding claim 34, the telecommunication infrastructure of claim 27 mentioned above, wherein Wellner further discloses the processing device is a relay between the first electronic device, the second electronic device, and the third electronic device (as shown in Figure 1, 37).

12. Claims 35, 37-38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent Application No. 6,510,325 by Mack, II et al, hereinafter Mack.

Regarding claim 35, Logan discloses a method for communicating with a plurality of recipients over a plurality of channels (page 5, column 1, section 0044, lines 1-10), comprising the steps of: (a) communicating over a first channel with a first recipient (page 2, column 2, section 0025, lines 1-5); (b) selecting a channel for generating an audible utterance, inherently the remote party currently on the phone (page 2, column 2, section 0025, lines 5-7); (c) selecting a phrase representation (as shown in Figure 3, 320 'WAIT THERE'); and, (d) generating an audible utterance over said selected channel based on said selected phrase representation (page 3, column 2, section 0033, lines 5-11).

Logan fails to disclose receiving an indication over a second channel of a second recipient.

Mack discloses a communications and entertainment device in which a cellular telephone is unfolded to form a headset, which allows the user to wear the headset in a manner similar to conventional telephone headsets. A display unit allows the user to display graphic information such as facsimile data or other graphic information such as that obtained from computer networks (see Abstract). Mack further discloses a manual control switch that can be used to switch between telephone calls if call waiting is an option activated on the telephone (column 7, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan to include call waiting as taught by Mack to receive an indication of a second recipient. One of ordinary skill in the art would have been lead to make such a modification since call waiting is an option available on most mobile phones and inherently an incoming tone indicates to the user that an incoming call is detected and another recipient is on the second channel.

Regarding claim 37, the method of claim 35 mentioned above, wherein Logan further discloses including the step of obtaining an internal representation of a phrase element associated with said selected phrase representation (as shown in Figure 3, 320: 'WAIT THERE').

Regarding claim 38, the method of claim 35 mentioned above, wherein Logan further discloses said step of selecting a channel for generating an audible utterance includes the steps of: accessing a channel representation (page 2, column 2, section 0025, lines 5-7); and, selecting a channel representation (Figure 3, 330: '(508)-555-1212').

Regarding claim 40, the method of claim 35 mentioned above, wherein Logan further discloses said step of selecting a phrase for generating an audible utterance includes the steps of.

accessing a phrase representation (as shown in Figure 3, 320); and, selecting a phrase representation (Figure 3, 320: 'WAIT THERE').

13. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent No. 6,510,325 by Mack, II et al, hereinafter Mack, as applied to claim 35 above, and further in view of US Patent Application Publication No. US 2003/0002448 by Laursen et al, hereinafter Laursen.

Regarding claim 36, the method of claim 35 above, wherein Logan in view of Mack fail to disclose said audio input from said first and second channel are mixed.

Laursen disclose a method and system for a distributed conference bridge processing in Voice over IP (VoIP) telephony. A distributed conference bridge multi-casts mixed audio content of a conference call in a way that reduces replication work at the mixing device (see Abstract). Laursen further discloses any number of participants calling into a conference bridge (page 12, column 2, section 0222, lines 13-17), the active speaker, within the group of participants (page 2, column 1, section 0018, line 1 – page 2, column 2, section 0018, line 12) will hear the speech or audio input of other active speakers (page 14, column 2, section 0237, lines 6-7), wherein audio input from those channels are mixed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan in view of Mack to mixed audio as taught by Laursen to hear audio from other channels. One of ordinary skill in the art would have been lead to make such a modification since mixed audio content can allow the user to hear the audio input from other channels simultaneously so the user can monitor more than one channel.

14. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent No. 6,510,325 by Mack, II et al, hereinafter Mack, as applied to claim 38 above, and further in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claim 39, the method of claim 38 mentioned above, wherein Logan discloses said channel representation is displayed on a LCD display (as shown in Figure 3, 330; page 2, column 1, section 0020, lines 10-15).

Logan in view of Mack fail to disclose said channel representation is displayed on a graphical user interface.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the channel representation (Figure 6, 306; page 11, column 2, section 0188, lines 17-18) is displayed in a GUI (as shown in Figure 6) of a mobile phone (page 11, column 2, section 0188, lines 8-11).

It would have been obvious to one of ordinary skill in the art to modify the method of Logan in view of Mack to include a GUI as taught by Freeland to allow the user to interact with a mobile phone to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a GUI allows the user to interactively select the channel representation by clicking on a checkbox.

15. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0181671 by Logan in view of US Patent No. 6,510,325 by

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Mack, II et al, hereinafter Mack, as applied to claim 40 above, and further in view of US Patent Application Publication No. US 2003/0028380 by Freeland et al, hereinafter Freeland.

Regarding claim 41, the method of claim 40 mentioned above, wherein Logan discloses said phrase representation is displayed on a LCD display (as shown in Figure 3, 320; page 2, column 1, section 0020, lines 10-15).

Logan in view of Mack fail to disclose said phrase representation is displayed on a graphical user interface.

Freeland discloses a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user. Either a voice message or text-based message may be used to construct the audio message (see Abstract). Freeland further discloses the phrase representation (Figure 6, 310; page 11, column 2, section 0188, lines 18-19; page 12, column 1, section 0190, lines 22-23) is displayed in a GUI (as shown in Figure 6) of a mobile phone (page 11, column 2, section 0188, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Logan in view of Mack to include a GUI as taught by Freeland to allow the user to interact with a mobile phone to send an audible utterance. One of ordinary skill in the art would have been lead to make such a modification since a GUI allows the user to interactively select the phrase representation by clicking on a checkbox.

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Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,490,343 by Smith, Jr. et al teach a system comprising: a processing device (Figure 2, 44) for storing an internal representation of a phrase element and, an I/O interface coupled with the processing device, for reading a code associated with the phrase element, wherein the processing device provides an audible utterance over the channel associated in response to reading the code

17. Any response to this action should be mailed to:

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Or faxed to:

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Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

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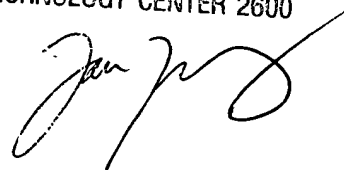
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

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December 12, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.